



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Carcagno *et al.*

Appl. No.: 09/830,968

§ 371 Date: November 6, 2001

For: **Method for the Massive Culture  
of Cells Producing Recombinant  
Human Erythropoietin**

Confirmation No.: 7301

Art Unit: 1636

Examiner: Kaushal, Sumesh

Atty. Docket: 1909.0040002/JAG/PAJ

**First Supplemental Information Disclosure Statement**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98. A copy of each document is provided.

The numbering on this First Supplemental Information Disclosure Statement is a continuation of the numbering in Applicants' Information Disclosure Statement filed November 6, 2001, in connection with the above-captioned application.

In accordance with 37 C.F.R. § 1.98(a)(3), Applicants' undersigned representative submits the following, in regard to non-English language documents **AM2**, **AN2** and **A02** cited on Form PTO-1449:

Document **AM2**, European Patent Publication No. EP 0 513 738, is in the German language. An unverified English language abstract of document **AM2** is attached as document **AS20**.

Document **AN2**, PCT Patent Publication No. WO 96/35718, is in the German language. An English language abstract appears on the face page of said document.

Document **AO2**, Chinese Patent Publication No. CN 1190130, is in the Chinese language. An unverified English language abstract of document **AO2** is attached as document **AR20**.

Where the publication date of a listed document does not provide a month of publication, the year of publication of the listed document is sufficiently earlier than the effective U.S. filing date and any foreign priority date so that the month of publication is not in issue. Applicants have listed publication dates on the attached Form PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

This Information Disclosure Statement is being filed before the mailing of a first Office Action after the filing of a Request for Continued Examination under 37 C.F.R. § 1.114. No statement or fee is required.

Carcagno *et al.*  
Appl. No. 09/830,968

It is respectfully requested that the Examiner initial and return a copy of the enclosed Form PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

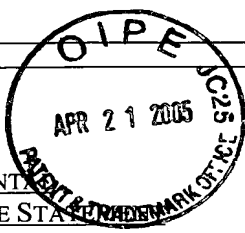
Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "P. Jackman", with a long horizontal line extending to the right.

Peter A. Jackman  
Attorney for Applicants  
Registration No. 45,986

Date: April 21, 2005  
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Washington, D.C. 20005-3934  
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385043\_1.DOC

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FORM PTO-1449 <b>FIRST SUPPLEMENT</b> <b>INFORMATION DISCLOSURE STATEMENT</b>	<div style="text-align: center;">  </div> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">ATTY. DOCKET No. 1909.0040002/JAG/PAJ</td> <td style="width: 50%;">APPLICATION No. 09/830,968</td> </tr> <tr> <td colspan="2">APPLICANTS Carcagno <i>et al.</i></td> </tr> <tr> <td>§ 371 DATE November 6, 2001</td> <td>ART UNIT 1636</td> </tr> </table>	ATTY. DOCKET No. 1909.0040002/JAG/PAJ	APPLICATION No. 09/830,968	APPLICANTS Carcagno <i>et al.</i>		§ 371 DATE November 6, 2001	ART UNIT 1636
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**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA					
	AB					
	AC					
	AD					
	AE					
	AF					
	AG					
	AH					
	AI					
	AJ					
	AK					

**FOREIGN PATENT DOCUMENTS**

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL					Yes No
	AM2	EP 0 513 738	11/19/1992	Europe		Yes X No
	AN2	WO 96/35718	11/14/1996	WIPO		Yes X No
	AO2	CN 1190130	08/12/1998	China		Yes X No
	AP					Yes No

**OTHER (Including Author, Title, Date, Pertinent Pages, etc.)**

	AR		
	AS	<u>19</u>	Lee, G.M., <i>et al.</i> , "Development of a serum-free medium for the production of erythropoietin by suspension culture of recombinant Chinese hamster ovary cells using a statistical design," <i>J. Biotechnol.</i> 69:85-93, Elsevier (April 1999)
	AT	<u>19</u>	Supplementary European Search Report for European Patent Application No. EP 99 95 8810, mailed March 16, 2005, European Patent Office, Rijswijk, Netherlands

EXAMINER	DATE CONSIDERED
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**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

FORM PTO-1449

**FIRST SUPPLEMENTAL  
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1909.0040002/JAG/PAJ

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APPLICANTS  
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	AL						Yes No
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	AN						Yes No
	AO						Yes No
	AP						Yes No

**OTHER (Including Author, Title, Date, Pertinent Pages, etc.)**

	AR	<u>20</u>	Derwent World Patents Index, English language abstract for Chinese Patent No. CN 1190130, Accession No. 2003-175924
	AS	<u>20</u>	Derwent World Patents Index, Dialog File 351, English language abstract for European Patent No. EP 0 513 738, Accession No. 9256229
	AT		

EXAMINER

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